

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
:
EMMETT LANIER, *pro se*, :

Plaintiff, :

-against- :

N.Y.P.D., 113 Pct. 10-18-05 incident search team; :
C-74 ESU 8-18-06, 4 main cell house response :
team, :

Defendants. :
-----X

SUMMARY ORDER

08-CV-219 (DLI) (LB)

IRIZARRY, United States District Judge:

Plaintiff Emmett Lanier, currently incarcerated at Rikers Island, brings this action *pro se* pursuant to 42 U.S.C. § 1983 alleging that defendants used excessive force and delayed medical treatment in violation of his civil rights.¹ This action is a duplicate of a previously filed civil rights complaint alleging the same events, *see Lanier v. 113th Pct, et al.*, No. 07-CV-3173 (DLI)(LB), which is currently pending before the court. The instant action raises no new allegations; thus, no useful purpose would be served by the filing and litigation of this duplicate complaint.

Accordingly, the complaint, filed *in forma pauperis*, is dismissed without prejudice to the litigation pending under *Lanier v. 113th Pct., et al.*, No. 07-CV-3173 (DLI)(LB). *See Curtis v. Citibank, N.A.*, 226 F.3d 133, 138 (2d Cir. 2000) (“As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative of another federal court suit.”). The court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal from this order would not be taken in good faith. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
January 18 , 2008

/s/

DORA L. IRIZARRY
United States District Judge

¹ This action was originally filed in the United States District Court for the Southern District of New York on September 20, 2007. By order dated December 26, 2007, the Honorable Kimba M. Wood, Chief Judge, transferred the action to this Court.